

441—93.114(239B) Assignment to vocational classroom training. Applicants and participants who demonstrate capability and who express a desire to participate shall be considered for enrollment in the PROMISE JOBS classroom training component. This component shall also be used to fund the costs of ABE, GED, or ESL and other high school completion activities described in these rules.

93.114(1) Classroom training means any academic or vocational training course of study which enables a participant to complete high school or improve one's ability to read and speak English, or which prepares the individual for a specific professional or vocational area of employment. A training plan shall be based on occupational evaluation and assessment as obtained in accordance with the assessment processes described at rule 441—93.111(239B).

a. The plan shall be approved for training facilities which are approved or registered with the state or accredited by an appropriate accrediting agency. Institutional training can be provided by both public and private agencies.

b. In addition, PROMISE JOBS workers may approve training from community action program agencies, churches, or other agencies providing training, if in the worker's judgment, the training is adequate and leads to the completion of the goal outlined in the employability plan.

c. Training from a particular training facility, community action program agency, church or other agency shall be approved when the worker determines that the training provider possesses appropriate and up-to-date equipment, has qualified instructors, adequate facilities, a complete curriculum, acceptable grade point requirements, a good job-placement history and demonstrates expenses of training that are reasonable and comparable to the costs of similar programs.

d. A participant's request for classroom training services shall be denied when it is determined through assessment that the participant will be unlikely to successfully complete the requested program. Form 470-0602, Notice of Decision: Services, shall be issued to the participant to inform the participant that the request for training is denied.

93.114(2) All family members who meet classroom training eligibility criteria shall be eligible for all program benefits, even when two or more family members are simultaneously participating and even if participation is at the same training facility and in the same program.

93.114(3) Academic workload requirements. With the exceptions noted below, participants are expected to maintain a full-time academic workload and to complete training within the minimum time frames specified for a given training program as established by the training facility. The time frames specified are maximums. Months required to complete the training plan cannot exceed these limits, whether full-time or part-time.

a. Months spent in ABE, GED, or ESL program do not count toward the time limits described below.

b. For purposes of the following participation limitations a month of participation is defined as a fiscal month or part thereof starting with the month PROMISE JOBS classroom training services begin. A fiscal month shall generally have starting and ending dates falling within two calendar months but shall only count as one month of participation.

c. Months of participation need not be consecutive.

d. Participants who are not in subsidized employment shall be allowed to maintain less than a full-time training workload provided that the months required to complete the training plan would not exceed 30 fiscal months for two-year degree programs and other vocational programs or 40 fiscal months for three- or four-year degree programs.

e. Rescinded IAB 11/1/00, effective 1/1/01.

f. Participants who are in unsubsidized employment and in a classroom training component simultaneously for a total of 24 hours per week or more shall be allowed to maintain less than a full-time, but at least a half-time, training workload provided that the months required to complete the training plan would not exceed 40 fiscal months for two-year degree programs and other vocational programs or 50 fiscal months for three- or four-year degree programs.

93.114(4) Clients enrolled in ABE, GED, or ESL programs must be able to complete training in the time determined by testing unless the PROMISE JOBS worker and, if appropriate, the client's academic advisor or instructor agree that additional time should be allowed. Under no circumstances, however,

shall more than six additional months be allowed. Additional time shall not be allowed if, as a result, months required to complete training would exceed 24 for ABE or GED or 12 months for ESL.

93.114(5) Clients who have not completed a high school education may be required to do so before other vocational training courses may be arranged. GED or high school training courses and vocational training may run concurrently. Unless under the age of 18, clients may be approved to return to regular high school only when they can graduate within one year of their normal graduation date.

93.114(6) Testing and grade transcripts before training plan approval. Prior to training plan approval and as part of the continuing assessment process described at rule 441—93.111(239B), staff may require that clients take nationally recognized vocational tests, including the general aptitude test battery, as well as provide grade transcripts from previous training.

93.114(7) Testing before plan approval. Before plan approval for a client requesting GED, adult basic education, or English as a second language training, testing shall be conducted, when available, to determine a projected length of time for which the plan shall be approved. In regard to GED testing, a transportation allowance as described at subrule 93.110(6) and child care expenses shall be allowed if required in order for the client to participate.

93.114(8) Academic achievement requirements. Clients shall maintain the minimum cumulative grade point average required by the training facility which the client attends. If at the end of any term, a client's cumulative grade point average drops to less than that required by the training facility, the client shall be placed on probation for the next term when the counselor or the lead instructor in the educational program verifies in writing that the student's capability to complete the program has been demonstrated through regular class participation, practical application of course content, or successful work in other courses so that there is an excellent likelihood the student will raise the grade point to the acceptable level in the next semester, that the student will be able to raise the grade point average to the acceptable level through successful completion of the remaining coursework and tests, and that the student can still be expected to complete the program satisfactorily within the maximum participation period as required by subrule 93.114(3). This rule does not apply to parents under the age of 18 who are attending high school completion programs.

93.114(9) Clients are expected to maintain a full-time workload as defined by the training facility unless the department or designee has given approval to carry fewer hours in accordance with other requirements of these rules, for example, subrule 93.114(3). A half-time workload shall also be defined by the training facility when this is needed under other provisions of these rules, as in paragraph 93.114(3)“f.”

93.114(10) Client responsibilities for plan approval. In order to have a plan approved, clients have the following responsibilities:

- a. Rescinded IAB 5/13/92, effective 7/1/92.
- b. A client must provide all information required to approve a Family Investment Agreement, Form 470-3095, and FIA Steps to Achieve Self-Sufficiency, Form 470-3096, which include vocational classroom training as an interim goal.
- c. Rescinded IAB 10/8/97, effective 11/12/97.

93.114(11) Approvable training plans. In order to have a plan approved, the plan must meet certain criteria:

- a. Training plans shall include a specific goal, that is, high school completion, improved English skills, development of specific academic or vocational skills, completion of which shall not exceed a maximum of 24 months of participation to complete high school, GED, or adult basic education, a maximum of 12 months to complete English as a second language classes, or shall not exceed the maximum participation limits for postsecondary classroom training as described in subrule 93.114(3). Up to an additional 12 months of ESL training may be allowed when need is determined by PROMISE JOBS staff. If the client is under the age of 18, the 24-month maximum to complete high school activities does not apply.

- b. Training may be approved for high school completion activities, adult basic education, GED, English as a second language, and postsecondary education up to and including a baccalaureate degree program. In addition, the following training may be approved:

- (1) Previously completed courses or training only when intended as a brush up.
- (2) Correspondence courses only when the courses are required but not offered by a training facility attended by the client.
- (3) Out-of-state training only when similar training is not available in-state, when required relocation to attend an in-state facility would be unnecessary by attending an out-of-state facility, or the only in-state facilities within commuting distance are private schools where tuition charges are higher than an out-of-state facility which is within commuting distance.
- (4) College programs which lead to an associate of arts. Baccalaureate degree programs for clients not first pursuing an associate of arts degree may be approved only when the client has already earned all freshman credits and can enter the training facility as a sophomore.
- (5) Continuing advanced training in the same vocational area, providing this training combined with previously completed training under this program does not exceed the maximum participation limits as described in subrule 93.114(3).
- (6) Clients who complete a PROMISE JOBS-funded training program or who participate in PROMISE JOBS-funded training for the maximum participation limit as described in subrule 93.114(3) without completing the training program shall be considered for a new maximum participation period of training in a different vocational area only when a minimum of five years has elapsed since training was completed or the maximum participation period ended, unless labor market statistics document that employment is not available in the field in which the original training was received or the client has been unable to find employment in that field, despite a good faith effort, within two years of completing the training program or within two years of the end of the maximum participation period. Clients who drop out of a training program within the maximum participation period as described in subrule 93.114(3) and later reapply for classroom training shall be entitled only to any remaining months in the original maximum participation period.
- (7) Prerequisite courses when they are required by a specific training program. Clients who fail to earn required grades for admission to a chosen program will not be approved to repeat these courses.
- (8) Remedial coursework for one term when need is determined by testing conducted by the training facility.
- (9) Summer school only when it does not result in additional PROMISE JOBS expenditures over those of a normal academic year unless required classes are only available during summer session, participation reduces the total length of time required to complete training, or summer attendance is required to maintain normal academic progress as defined elsewhere in these rules.
- (10) College coursework, other than for an advanced degree, for clients already possessing a baccalaureate degree in order to obtain a teaching certificate.
- (11) Continuing education units for clients only when needed to be recertified or retrained to reenter a field in which they were previously trained or employed.
 - c. No plan shall be approved for the following:
 - (1) The duration of the plan exceeds the known length of time during which the client will remain eligible for family investment program assistance.
 - (2) When available labor market statistics for a local area indicate low employment potential. Exceptions may be made when the client has a job offer prior to entering the training or if a client is willing to relocate after training to an area where there is employment potential. Clients willing to relocate must provide documentation from the department of workforce development, private employment agencies, or employers that jobs paying at least minimum wage for which training is being requested are available in the locale specified by the client.
 - (3) Jobs paying less than minimum wage.
 - (4) College coursework for a client who possesses a baccalaureate degree unless coursework is to obtain a teaching certificate or complete continuing education units in accordance with policy elsewhere in these rules.
 - (5) Plans containing requests for rings, pins, pictures, rental of graduation gowns, elective courses which require, in addition to books, expenditures for special equipment, for example, photography or art supplies, or field trips; and other items that are not required to complete training for a vocational goal.

(6) It is intended that clients shall become employed immediately after completing training. A training plan shall therefore be denied when a client states no intent of pursuing employment after training is completed.

(7) The course or training is one which the client has previously completed.

(8) The client was previously unable to maintain the cumulative grade point average required by the training facility in the same training for which application is now being made. This rule does not apply to parents under the age of 18 who are enrolled in high school completion activities.

(9) Training may be denied in any vocational area where PROMISE JOBS classroom training statistics or statistics from the former individual education and training plan program, based on statistics for the 24-month period prior to the date of application, document that the training completion rate or the entry to employment rate is less than 25 percent.

d. When a person described at 93.111(1)“g”(2) and (3) is still within the first quarter or semester of involvement in the person’s chosen training program, expense allowances cannot be approved, even if the training is otherwise approvable, until the person has completed assessment or has successfully completed the first quarter or semester of the training program in accordance with the requirements of the educational institution. Persons involved in training programs where quarters or semesters are not used must successfully complete four months of the training program before assistance can begin.

Assistance shall be approved effective with the second quarter or semester, or with the fifth month of participation in the training program, as applicable to the client’s situation.

93.114(12) Participation allowances. An allowance shall be made for certain expenses of training. Participants enrolled in high school completion, GED, ABE, ESL, or an approvable postsecondary vocational classroom training plan shall be eligible for payment for the following expenses of training when required for participation: child care; transportation; enrollment, school testing or school application fees; educational grant or scholarship application fees; certification and testing fees, travel costs required for certification or testing; and certain practicum expenses as described in 93.114(12)“a”(4).

In addition, participants enrolled in high school completion, GED, ABE, ESL, or short-term training programs of 29 weeks or less shall be eligible for consideration of payment for any direct education costs. Direct education costs are tuition, books, fees including graduation, basic school supplies, specific supplies related to obtaining credit for a course and required of all students in a course, and required uniforms.

PROMISE JOBS is authorized to provide payment for expenses allowable under these rules to the training facility for the educational expenses of tuition and fees and books and supplies which are provided by the facility and billed to the PROMISE JOBS participant. Payment may also be made to the client in those situations where this is determined to be appropriate by the PROMISE JOBS worker.

a. PROMISE JOBS allowances for classroom training are limited as follows:

(1) Rescinded IAB 10/8/97, effective 11/12/97.

(2) Tuition allowances for all other programs (high school completion, GED, ABE, ESL, or short-term training programs of 29 weeks or less) shall not exceed the rate charged by the state of Iowa area school located nearest to the participant’s residence which offers a course program comparable to the one in which the participant plans to enroll. If an area school in Iowa does not offer a comparable program, the maximum tuition rate payment shall not exceed the Iowa resident rate charged by the area school located nearest to the participant’s residence.

(3) A standard allowance of \$10 per term or actual cost, whichever is higher, for basic school supplies shall be allowed for those participants who request it. A claim for actual costs higher than \$10 must be verified by receipts.

(4) A per diem allowance of \$10 for living costs during a practicum shall be allowed when the practicum is required by the curriculum of the training facility, would require a round-trip commuting time of three hours or more per day, and is not available closer to the client’s home. If practicum earnings or any nonreimbursable assistance is available to meet practicum living costs, no allowance shall be made.

(5) Allowances may also be authorized to meet the costs of travel required for certification and testing, not to exceed the transportation allowance as described at 93.110(6) and the current state employee reimbursement rate for meals and lodging.

(6) No allowance shall be made for any item that is being paid for through earnings that are diverted for that purpose.

(7) Funds may not be used to purchase supplies to enable a participant to begin a private business.

b. Participants shall submit Form 470-0510, Estimate of Cost, to initiate allowances or change the amount of payment for expenses other than child care. Participants shall use PROMISE JOBS allowances which they receive to pay authorized expenses. Participants are eligible for child care assistance, as described at 441—Chapter 170, if child care is required for participation in any PROMISE JOBS component other than orientation.

c. Participants shall furnish receipts for expenditures which they pay, except for transportation allowances. Failure to provide receipts will preclude additional payments.

d. Receipts may be requested for allowances paid directly to the training provider if the PROMISE JOBS worker determines it is appropriate.

93.114(13) Payment of allowances.

a. Participant eligibility for payment of transportation and child care allowances shall commence for that month, or part thereof, that the participant begins training under an approved plan or is removed from a waiting list as described at 93.105(3), whichever is later, and shall be terminated when training is terminated.

b. PROMISE JOBS responsibility for financial assistance begins with that month, or part thereof, during which the participant begins training under an approved plan or is removed from a waiting list as described at 93.105(3), whichever is later.

c. Retroactive payments of transportation and allowable direct education costs shall only be allowed under the following conditions:

(1) If plan approval or removal from a waiting list as described at 93.105(3), whichever is later, occurs after the start of the term due to administrative delay or worker delay, payments shall be approved retroactive to the start of the term for which the plan is approved or removal from the waiting list is authorized. If costs were already paid by the participant with private resources, the participant shall be reimbursed.

(2) If plan approval or removal from a waiting list as described at 93.105(3), whichever is later, is delayed due to the suspension of FIP benefits, retroactive payments for the month of suspension shall be made. If costs were already paid by the participant with private resources, the participant shall be reimbursed.

(3) If plan approval is delayed due to the fault of the participant, payment eligibility shall begin with the first day of the month during which the plan is approved or the month in which the participant is removed from a waiting list as described at 93.105(3), whichever is later. In this instance, there shall be no reimbursement for costs already paid by the participant.

d. Rescinded IAB 1/1/97, effective 3/1/97.

e. When a participant receives transportation payments from another program which equals or exceeds that possible under PROMISE JOBS, transportation shall not be paid by PROMISE JOBS for any month covered by the other program. When the amount received from another program is less than that possible under PROMISE JOBS, a supplemental payment may be made as long as the combined payment does not exceed that normally paid by PROMISE JOBS.

f. Payments shall not exceed the rate that the provider would charge a private individual.

93.114(14) Completion or termination of a training plan.

a. Participants who successfully complete their training plans may keep any books or supplies, including tools, which were purchased with PROMISE JOBS funds.

b. Participants who do not complete their training program and do not obtain training-related employment within 60 days of leaving training shall return all reusable supplies, including books and tools, but not clothing, purchased by PROMISE JOBS.

(1) Staff are authorized to donate to nonprofit organizations any items which they determine are unusable by the program.

(2) When tools are not returned, the amount of the PROMISE JOBS payment shall be considered an overpayment unless the participant verifies theft of the tools through documentation of timely report to a law enforcement agency.

c. Rescinded IAB 7/21/04, effective 9/1/04.

d. A worker shall terminate a training plan and offer the participant the opportunity to renegotiate and amend the FIA when the participant, after a school term of probation as described in subrule 93.114(8), is unable to achieve the cumulative grade point average required by the training facility. This paragraph does not apply to parents under the age of 18 who are enrolled in high school completion activities.

e. A worker may terminate a training plan and offer the opportunity to renegotiate and amend the FIA when it can be documented that the participant's continuation in the training program is detrimental to family functioning. This paragraph does not apply to parents under the age of 18 who are enrolled in high school completion activities.

f. Classroom training participants who do not follow the requirements of a training plan are considered to have chosen the limited benefit plan as described in 441—subrule 41.24(8). Before issuing a notice of decision to impose the limited benefit plan, PROMISE JOBS staff shall send one written reminder or letter to attempt to resolve the issue. The reminder or letter shall identify the participation issue, clarify expectations, attempt to identify barriers to participation, explain the consequences of the LBP, and offer supervisory intervention. LBP resolution policies at subrules 93.138(2) and 93.138(3) apply when the classroom training participant chooses the LBP in the following situations:

(1) The participant fails to appear for two consecutive scheduled appointments with the worker without good cause. The client shall have been notified of the appointments in writing. The written notice to schedule the second appointment shall remind the client of the need to participate and attempt to resolve the issue as previously described in this paragraph.

(2) Rescinded IAB 2/6/02, effective 4/1/02.

(3) The participant states that there is no intent to become employed after completing training.

(4) The participant fails to cooperate in providing information concerning grades, academic progress, financial resources, change of address, change of telephone number, or change of family composition.

(5) The participant fails to provide verification, as described at subrule 93.135(2), of hours of attendance in an educational program.

(6) The participant misuses expense allowances to the extent that the training plan is no longer achievable.

(7) The participant knowingly provides receipts or any other written statements which have been altered, forged, or, in any way, are not authentic.

(8) The participant withdraws from courses or from the training program without prior PROMISE JOBS approval.

Policies at rules 441—93.133(239B) and 441—93.134(239B) apply to all of the above. When a situation described in subparagraphs (3) through (8) above occurs, participation is an issue at the first occurrence unless the person is experiencing problems or barriers to participation as described at rules 441—93.133(239B) and 441—93.134(239B). To attempt to resolve the issue, PROMISE JOBS staff shall send a letter as previously described in this paragraph.

g. When it becomes apparent that the participant cannot complete the training plan within the maximum participation limit, as described at 93.114(3), the PROMISE JOBS worker shall determine whether termination of the training plan is appropriate.

(1) When the participant cannot complete the training plan within the maximum participation limit as described at subrule 93.114(3), the worker shall continue the plan and pay expenses, if appropriate, up to the limit of the maximum participation limit when the counselor or lead instructor in the educational program verifies in writing that the student's progress or achievement meets the grade-point requirement, and the student's interest and participation indicate there is likelihood of successful completion of the

program, and the remaining coursework could be completed within the additional six-month period of time. In addition, the student must be able to demonstrate access to financial resources which will enable completion of the program during the additional six months.

(2) In addition, when it is determined that the participant can complete the training plan within six months after the expiration of the maximum participation limit described at 93.114(3), the worker shall waive participation in other components after the end of the maximum participation period as long as the participant is attending the training facility.

(3) The PROMISE JOBS worker shall terminate the training plan at the point in time when it becomes obvious that the participant cannot complete the training plan within six months after expiration of the maximum participation period described at 93.114(3).

h. Rescinded IAB 9/11/96, effective 11/1/96.

i. Participants who choose the LBP as described at subparagraphs 93.114(14)“*f*”(6) and (7), or participants who fail to return supplies, when required, shall not be eligible for future classroom training services for a period of two years. The two-year period shall begin with the effective date of the LBP or the effective date of a notice of decision which cancels the classroom training plan, whichever is appropriate.

(1) In addition, future classroom training services shall not be approved unless receipts for previous allowances are provided; PROMISE JOBS-funded items, when required, are returned; or the value of the items is refunded.

(2) When the amount of the PROMISE JOBS payment for tools has been considered an overpayment as described in 93.114(14)“*b*”(2), the participant may refund the claim balance as recorded in the Overpayment Recovery System to meet this requirement.

93.114(15) *Maximum limit on PROMISE JOBS funding.* Notwithstanding subrules 93.114(1) through 93.114(14), any participant who develops one or more FIAs on or after July 1, 1996, that include approvable postsecondary vocational classroom training shall be eligible for consideration for PROMISE JOBS expenses allowable under these rules for no more than 24 months within a 48-consecutive-month period. Except for this funding limit, all other policies at subrules 93.114(1) to 93.114(14) apply, including the established time frames described in 93.114(3) and 93.114(14)“*g*,” for including postsecondary vocational classroom training in the FIA, without requiring other FIA activities.

a. For purposes of this subrule, an FIA is considered to be developed when it is signed by a FIP participant who has never before signed an FIA or who must sign another FIA because FIP eligibility has been reestablished after FIP reapplication with a break in FIP assistance of more than one month.

b. The period of 48 consecutive months begins with the first month that the participant is eligible for consideration for PROMISE JOBS expense allowances. It is not altered by breaks in FIP assistance or breaks from the postsecondary vocational classroom training activity.

c. The period of 24 months of eligibility for PROMISE JOBS expense allowances under these rules begins with the first month that the participant is eligible for consideration for PROMISE JOBS expense allowances. A month is considered funded even if no allowance is issued because the client has no expense in a month.